

## **PCT FILE ASSEMBLY**

Under the PCT, applicants may file international or national stage patent applications with the USPTO. The type of application filed and the requested searching authority will determine the number and type of application files assembled.

- International application but applicant does not have right to use USPTO as application receiving office: Official Copy only.
- International application and applicant has right to use USPTO as application receiving office and applicant designates USPTO as searching authority: Official Copy and Search Copy (pink file jacket).
- International application and applicant has right to use USPTO as application receiving office and applicant designates EPO as searching authority: Official Copy only.
- National Stage application: Appropriate US file jacket depending on application type.

Below are instructions for preparing the various application files.

### **International Applications**

At least twice a day, once in the a.m. and again in the p.m., new international application papers will be delivered to designated locations. The contractor shall check the application's "Request Form (PCT/RO/101) – signature page" and "Fee Calculation Annex Sheet" (block VII) to determine whether the designated Searching Authority is the USPTO or the European Patent Office (EPO). If each of these forms contain a different designation, the application package must be referred to a Government Representative for instructions.

### **US Designated Searching Authority**

To verify that the applicant has the right to use the USPTO as the application receiving office, the contractor must review boxes II and III on the PCT/RO/101 to determine that at least one of the applicants (1) is a US citizen or (2) shows a US residence address.

If the contractor determines the applicant appears not to have the right to use the US as the receiving office, the contractor shall process the application as described below but shall create only an Official Copy (OC) file folder to which a "Rule 19.4" tag must be attached.

After verifying that the USPTO is designated as the searching authority, the contractor shall prepare the

- Official Copy (OC) file folder (blue folder with attached elastic band for closing) and
- Search Copy file jacket (pink file jacket).

The Government will supply bar code labels and serialization stamps for the contractor's use. Two labels for each sequential application serial number are produced by the PALM system: One label contains the serial number preceded by 51 to indicate the Official Copy (OC). The other label contains the serial number preceded by 50 to indicate the Search Copy.

Selecting the next unused sequential serial number (working on a "first in first out" basis), the contractor shall affix a 51-series bar code label to the OC file folder. The corresponding 50-series bar code label is affixed to the Search Copy file jacket directly over the word "Content." After setting the serialization hand stamp to reflect the serial number on the affixed bar code labels, the contractor shall hand stamp the OC file folder and Search Copy file jacket on the front of each file in the box marked International Application Number. A white Search Copy tag is stamped with the serial number and *stapled to the center front* of the Search Copy file jacket so as to protrude above the top edge of the file jacket.

Being careful not to obliterate any information, the contractor shall hand stamp the serial number on the PCT Application documents as follows:

- Request Form (PCT/RO/101) – on the first page in the box marked "International Application No." in the upper right corner and on each subsequent page in the upper right corner;
- fee calculation sheet – on the first page in the "International Application No." box in the upper left corner;
- acknowledgement postcard – on the back in any available space (insuring no existing information is obliterated);
- transmittal letter – on each page in the upper right corner;
- label on the DNA and/or PCT Easy diskette and associated envelopes (if present);
- CRF transmittal sheet (if DNA diskette is present) - each page in upper right hand corner; and,
- applicant-supplied priority documents.

In addition, the contractor shall stamp the receipt date on the following PCT application documents:

- acknowledgement postcard – on the back in any available space (insuring no existing information is obliterated),
- signature page of Form RO/101 – in the upper right corner,
- transmittal letter – on each page in the upper right corner

- CFR transmittal sheet - on the first page in the upper right hand corner
- OC file folder – in the upper right corner of flap,
- search Copy file jacket – front of file jacket in the designated area and the upper right hand corner back side of the center flap,
- envelope containing DNA Diskette (if present), - front center
- envelope containing PCT Easy Diskette (if present) – front.

The contractor shall separate the post card receipt from the application package. The contractor shall verify

- the title and number of pages for each item listed on the post card match the documents actually submitted with the applications papers,
- the correct serial number and mail receipt date have been stamped on the back of the post card, and
- the mailing address is present on the front of the card.

Any discrepancies between items recorded on the postcard and documents actually submitted must be annotated on both the postcard and the application Transmittal Letter. If no mailing address is present or if the mailing address shown is the PTO's, the contractor shall place a clean white label over the address and shall enter the applicant's name and address on the label. The post card shall then be placed in the appropriate location to be picked up by the mailroom.

The contractor shall insert all documents into the OC file folder, securely closing the folder with the attached elastic band. The OC file folder and the empty Search Copy file jacket shall be secured together using rubber bands. The contractor must now activate the International Application in PALM.

Using a PALM terminal, the contractor shall select the PALM Pre-Exam icon then select International Application Initialization from the drop-down box which appears. The contractor must manually enter the International Application Serial number and then scan the bar code label. If the U.S. is the designated Search Authority, the contractor also will scan the Search Copy bar code label. The contractor shall then select Dispatch and enter PALM code 5050. Applications must then be delivered to RAM. After fee collection the applications are placed in the designated area to be picked up for scanning.

#### PCT EASY program

International application papers may be filed using software called PCT EASY. The contractor shall review each new application's transmittal letter to determine if the applicant has selected this program and shall look for the presence of a PCT EASY Request Form. The contractor shall assemble the application as directed above.

In addition, each PCT Easy application contains a PCT EASY diskette. The contractor shall stamp the application serial number on the diskette's label. Using a PC containing the PCT EASY software, the contractor shall insert the diskette into the PC and update the diskette with the mail date and serial number. The envelope containing the diskette is then attached to the OC file folder.

#### EP Designation

If the applicant has designated the EPO as the search authority, the contractor shall process the applications in accordance with the above instructions except only the OC file folder is prepared. The OC bar code label (Series 51) is attach to the OC file folder; the other series label (50) is taped inside of the OC file folder. A blue tag with the PCT serial number stamped on the front and back above the word "Record Copy" is stapled to the front right hand corner of OC file folder.

#### DNA Sequence Applications

If the international application includes a DNA Sequence Diskette, the assembly of the application remains the same. However, prior to forwarding the application to RAM, the contractor shall attach a PCT Data Diskette label to the diskette; stamp the application serial number on the label (being careful not to obliterate the lines for examiner and Art unit information). After completing the top portion of the required PCT CFR Submission form by stamping the serial number on the top line and filling in the processing drop off date and the filing date, the contractor shall attach the envelope containing the diskette to the submission form and place the package in the designated location for pickup.

If the international application papers are filed with four DNA Sequence CDs, the assembly of the application papers remains as above. To process the DNA Sequence CD(s), the contractor shall attach a PCT Data Diskette label to each CD, stamp the application serial number on each label and on each CD envelope, insert the labeled CD into the envelope and complete the required PCT CRF Submission form. The completed submission form along with the applicant's transmittal letter is attached to the envelope and delivered to OIPE to be checked for readability and compliance; an e-mail also is sent to the designated Government representative notifying him/her a disk has been left for review. After completing the review, the Government representative will notify the contractor that the disk is ready for pickup. After retrieving the disk from OIPE, the contractor shall process the Sequence CD as follow:

#### US Searching Authority

- 1 CD to STIC
- 1 CD inserted in OC file folder
- 1 CD is sent to IB with the Record Copy
- 1 CD inserted in Search File Jacket

EP Searching Authority

- 1 is sent to IB with the Record Copy
- 2 CDs are sent to the ISA/EP
- 1 CD inserted in OC file folder,

**National Stage Applications**

At least twice a day, once in the a.m. and again in the p.m., the contractor shall go to the designated pickup location and retrieve new National Stage application to be processed.

The Government will supply the appropriate file jackets, bar code labels, and serialization stamps for the contractor's use. Selecting the next unused sequential serial number, the contractor shall affix the serial number label on the "Contents" side of the file jacket over the top edge of the word "Content." After setting the serialization hand stamp to reflect the serial number on the affixed bar code label, the contractor shall stamp the serial number on the transmittal letter (PTO-1390) in the box designated "U.S. application number." The contractor also shall stamp the express mail date and the serial number on the backside of each page in the application package. Finally, the contractor shall stamp U.S. 371 on the file jacket directly over the words "U.S. Utility Patent Application" and shall write the PCT international application number (from transmittal letter) in the upper right hand corner of the content side of the file wrapper.

The contractor shall insert an IB green charge card in each application file jacket. After loosely assembling the application papers (in no particular order), and placing the IB green card on top of the package, the contractor shall secure the entire package with a binder clip, paper clip, or rubber bands, and shall insert the package into the file wrapper, placing one or more rubber bands around the file. If present, the check, assignment form, and/or the transmittal letter showing a charge authorization must be stapled to the left flap of the file jacket. If no fees are present, a "No Fee" tag is stapled to the content side of the application.

If a postcard receipt is present, the contractor shall verify that the title and number of pages for each item listed are identical to the documents actually received. Any discrepancies shall be noted on the postcard and the Transmittal Letter. The contractor shall separate the postcard receipt from the application package, verify that the correct serial number and mail receipt date have been stamped on the back of the post card and a mailing address is present on the front of the card. If no mailing address is present, or if the mailing address shown is the PTO's, the contractor shall place a clean white label over the address and shall enter the applicant's name and address on the label. The postcard shall then be placed in the appropriate location to be picked up by the mail center.

After assembling the national stage application, the contractor shall use a PC to activate the serial number. For each application the contractor shall enter:

- mail room date,
- mail receipt date,
- application number,
- express mail tracking number (if present),
- international application number,
- international filing date,
- post card mailed? – enter yes or no,
- no postage - check box if applicable,
- no address - check box if applicable,
- postcard and application mismatch – enter yes or no,
- description - enter any discrepancies noted on the postcard and transmittal letter, and
- biochemical diskette received? – enter yes or no.

*DNA Sequence Applications*

If the national stage application papers are filed with a DNA Sequence Diskette, the assembly of the application remains the same. To process the DNA Sequence Diskette, the contractor shall attach a PCT Data Diskette label to the diskette, stamp the application serial number on the label, insert the labeled diskette into a small brown envelope, and complete the required PCT CRF Submission form. The diskette is attached to the submission forms and placed in the designated location for pickup and delivery to STIC. The contractor shall deliver the application file to the designated location for Government review/processing.

## PCT CRF SUBMISSIONS

**DATE OF DROP OFF**

**FOR CRF PROCESSING:**

\_\_\_\_\_

**SERIAL NUMBER:**

\_\_\_\_\_

**FILING DATE:**

\_\_\_\_\_

Results of processing the CRF through the data capture subsystem:

☐

No problems were encountered.

☐

The CRF diskette was damaged or unreadable.

☐

A computer virus was detected on the diskette. The STIC will not process the diskette through the data capture subsystem.

☐

The CRF contains an error that disrupts normal processing:

\_\_\_\_\_ Text is not in ASCII (DOS Text) format

\_\_\_\_\_ Other: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date Processing Completed: \_\_\_\_\_

Point of Contact: Arti Shah, STIC  
Biotechnology Systems Branch  
Remsen 1A79, 571-272-2525

